

THE MADRAS LEGISLATIVE ASSEMBLY

Friday, 1st November 1957.

The House met in the Assembly Chamber, Fort St. George, at nine of the clock, Mr. Speaker, (THE HON. DR. U. KRISHNA RAU) in the Chair.

I.—BUSINESS OF THE HOUSE.

MR. SPEAKER: We have a few Bills to be taken up for consideration to-day. I am not sure whether hon. Members have had enough time to give amendments. So would it be acceptable if I suggest that for the first Bill, that is, the Motor Vehicles Amendment Bill, I shall permit notice of amendments being given up to 10 o'clock and for the other Bills till 10-30 so that hon. Members may have an opportunity to go through the Bills and give amendments if considered necessary. Technically of course the Bills have been before the hon. Members for more than three days. But we have not told them up to what day and time the amendments would be received.

SRI R. SRINIVASA IYER: The other Bills are small ones. The Veterinary Practitioners Registration Bill only is a little bit long.

MR. SPEAKER: There is one other difficulty. I shall explain it later. The Motor Vehicles Amendment Bill is ready for discussion. The other Bill is not ready because the Governor's recommendation has not yet come.

SRI R. SRINIVASA IYER: We may take them up tomorrow.

MR. SPEAKER: Then you will have business only for half an hour.

SRI T. SAMPATH: The Agenda has been received only just, now, Sir.

MR. SPEAKER: It was circulated to hon. Members yesterday itself. The agenda was sent to their residential addresses. I do not know how hon. Members missed the agenda.

HON. MEMBERS: We have not got the agenda.

MR. SPEAKER: I only wanted to suggest to the House that in case the recommendation of the Governor for the consideration of the Registration of Veterinary Practitioners Bill is not received in time, we could finish the Motor Vehicles (Amendment) Bill first and take up general discussion of the Money Lenders Bill.

THE HON. SRI C. SUBRAMANIAM: We can take up the Madras Village Panchayats (Amendment) Bill for general discussion. The Opposition leaders feel that the Bill might be referred to a Select Committee. So we can discuss it and refer it to a Select Committee.

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MR. SPEAKER : If the recommendation of the Governor for the other Bill is received we shall take it up. If it is not received by the time we finish the Motor Vehicles (Amendment) Bill, we shall take up the Madras Village Panchayats (Amendment) Bill and the motion to refer it to a Select Committee.

THE HON. SRI C. SUBRAMANIAM : For the Money Lenders Bill they may be given some time to give amendments.

MR. SPEAKER : If the House accepts this suggestion I have no objection.

II. QUESTIONS AND ANSWERS

STARRED QUESTIONS.

Legal aid to the poor

* 51 Q.—SRI K. SATTANATHA KARAYALAR : Will the Hon. the Minister for Home be pleased to state—

(a) whether there is any proposal to give legal aid to the poor; and

(b) if so, the details thereof?

THE HON. SRI M. BHAKTAVATSALAM : (a) No, Sir.

(b) Does not arise.

SRI K. SATTANATHA KARAYALAR : நாட்டிலே Pauper suit போடுவதற்குக் கூடப் பணம் வேண்டியிருக்கிறது. அப்படி அவதிப்படுகிற ஏழைகளுக்கு உதவுவதற்கு சர்க்கார் சட்டம் கொண்டு வருமா ?

THE HON. SRI M. BHAKTAVATSALAM : Under the existing provisions of the Civil Procedure Code, in civil cases, a suit may be filed “ *informa pauperis* ” and in criminal cases, while a pleader is engaged at the cost of the State when the sentence is of death, he may also be given similar aid under rule 157 of the Criminal Rules of Practice and Orders, 1931, of this Government and for other cases, if the Courts consider it desirable in the interests of justice and if the accused is not possessed of sufficient means to engage a pleader.

The question of granting legal aid to poor persons has been examined by this Government with reference to the suggestions made by the Government of India and the recommendations of the High Court thereon. After a careful consideration of all aspects involved, this Government came to the conclusion that the existing provisions regarding legal aid to the poor, so far as this State is concerned, are sufficient and that any liberalization of these provisions, apart from the financial cost involved, may lead to further increase in litigation. The High Court was also asked to issue suitable instructions to Subordinate Criminal Courts drawing their attention to rule 157 of the Criminal Rules of Practice and Circular Orders, 1931, under which a pleader may be engaged to defend an accused person, against any charge, if the Court considers it desirable to do so in the interests of justice, provided the accused is not possessed